

On July 3, 2001, Applicants filed a supplemental response enclosing certified copies of the priority applications to fulfill the requirements of 35 USC 119(b). Submitted herewith are verified translations of these documents.

The Examiner stated that the application is not fully in compliance with the sequence rules, 37 CFR §1.821-1.825 because the specification does not recite the appropriate sequence identifiers. Applicants respectfully submit that the application is in compliance. The Examiner has requested that the sequence set forth on page 13 needs to be added to the listing. However, the sequence on page 13 merely sets forth a formula that summarizes the sequences that are already listed in the sequence listing. The specification at page 13 states:

A peptide as defined in Claim 1 which comprises an amino acid sequence of the formula **X<sup>1</sup>-X<sup>2</sup>-Asn-Phe-Phe-Trp-Lys-Thr-Phe-X<sup>3</sup>-Ser-X<sup>4</sup>** wherein **X<sup>1</sup>** represents Asp-Arg-Met-Pro-Cys, Arg-Met-Pro-Cys, Met-Pro-Cys, Pro-Cys or Cys,  
**X<sup>2</sup>** represents Arg or Lys,  
**X<sup>3</sup>** represents Ser or Thr and  
**X<sup>4</sup>** represents Cys-Lys or Cys (except for the amino acid sequence in which X<sup>1</sup> is Lys, X<sup>3</sup> is Ser and X<sup>4</sup> is Cys-Lys).

These sequences are all represented by a SEQ ID NO. in the Sequence Listing. For example, SEQ ID NO:1 is a sequence where X<sup>1</sup> is Asp-Arg-Met-Pro-Cys, X<sup>2</sup> is Arg, X<sup>3</sup> is Ser and X<sup>4</sup> is Cys-Lys. All the different permutations and combinations are set forth in the sequence listing. Thus, Applicants respectfully submit that the sequence listing as previously submitted is adequate and fully complies with the Rules.

Claims 1, 2, 4-6, 18, 20, 24 stand rejected under 35 U.S.C. 112, first paragraph. It is the Examiners' position that the specification, while being enabling for a polypeptide comprising the amino acid sequence of SEQ ID NO: 1, does not reasonably provide enablement for a deleted or substituted variant thereof without respect to the functional activity thereof. Applicants respectfully traverse this rejection. However, in order to expedite prosecution, applicants have amended claims

1 and 6 to recite a functional activity, e.g., a peptide having cortistatin or somatostatin activity. This amendment is supported by claim 8, which has been cancelled without prejudice. Claim 8, which recites such activity, was not included in this rejection. Applicants therefore, respectfully request that this rejection be withdrawn.

Claim 20 stands rejected under 35 U.S.C. 112, first paragraph. While Applicants do not agree with the Examiner's position, in order to expedite prosecution, claim 20 has been cancelled, without prejudice. Applicants reserve the right to pursue the subject matter of claim 20 in a later application. Applicants respectfully request that this rejection be withdrawn.

Claims 1, 2, 7, 8, 20, 24 stand rejected under 35 U.S.C. §112, second paragraph, because they recite the term "precursor". Applicants respectfully disagree with the Examiner's rejection. However, in order to expedite prosecution of the claims, Applicants have deleted the word "precursor" from the claims. Applicants respectfully request that this rejection be withdrawn.

Claim 20 stands rejected under 35 U.S.C. §112, second paragraph, as indefinite. Applicants disagree with the Examiner's position. However, in order to expedite prosecution of this case, claim 20 has been cancelled, without prejudice. Applicants reserve the right to pursue the subject matter of claim 20 in a later application. Applicants respectfully request that this rejection be withdrawn.

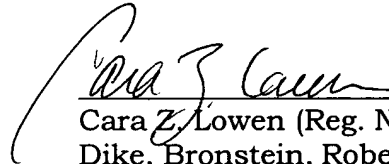
Claim 6 stands rejected under 35 U.S.C. 102(b) as being anticipated by Andrews. Applicants respectfully traverse this rejection. Applicants respectfully submit that Andrews does not anticipate claim 6 as presently amended. Claim 6 has been amended to recite that the peptide has cortistatin or somatostatin activity. Andrews teaches SS-14 and SS-37, but fails to teach the 12 amino acid sequence of SEQ ID NO:43 having somatostatin or cortistatin activity. Thus, Andrews does not teach the claimed subject matter in its entirety. New claim 36 does not include SEQ ID NO:43. Applicants respectfully request that this rejection be withdrawn.

Claims 1-8, 18, 20, 24 stand rejected under 35 U.S.C. 102(e) as being anticipated by Olsen. Claims 1, 7 stand rejected under 35 U.S.C. 103(a) as being obvious over Olsen. Olsen has a priority date of December 31, 1996. This reference can therefore be overcome because the present application has a priority date of October 15, 1996. As aforesaid, Applicants enclose herewith translations of the foreign priority documents. Applicants respectfully request that this rejection be withdrawn.

In view of the above amendments and discussion, it is respectfully submitted that the present application is in condition for allowance. An early reconsideration and notice of allowance are earnestly solicited. Should the Examiner wish to discuss the above amendment made herein, the undersigned attorney would appreciate the opportunity to do so. Thus the Examiner is hereby invited to call the undersigned, collect at the number shown below.

Respectfully submitted,

Date: October 23, 2001

  
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VERSION WITH MARKINGS TO SHOW CHANGES MADE.

In the claims:

Please amend the claims as follows:

1. (twice amended)            An isolated peptide comprising the amino acid sequence defined under SEQ ID NO: 1 or amino acid sequence derived therefrom by deletion, substitution or insertion of 1 to 5 amino acid residues, ~~a precursor thereof~~, or a salt of said peptide, wherein the peptide does not comprise the amino acid sequence of SEQ ID NO: 31 or SEQ ID NO: 32 and wherein the peptide has cortistatin or somatostatin activity.

2. (amended)                A peptide ~~or precursor~~ as claimed in Claim 1 which comprises the amino acid sequence defined under SEQ ID NO: 1 or an amino acid sequence derived therefrom by deletion or substitution of 1 to 5 amino acid residues.

6. (twice amended)            An isolated peptide having the amino acid sequence defined under any of SEQ ID NO: 35 through SEQ ID NO: 55, ~~a precursor thereof~~, or a salt of said peptide, wherein the peptide has cortistatin or somatostatin activity.

7. (amended)                A ~~precursor~~ peptide as claimed in Claim 1 which comprises the amino acid sequence defined under SEQ ID NO: 4, SEQ ID NO: 5, SEQ ID NO: 6, or SEQ ID NO: 7.

Please cancel claim 8, without prejudice.

18. (amended)                A pharmaceutical composition which comprises the peptide, ~~precursor~~ or salt claimed in Claim 1.

Please cancel claim 20, without prejudice.

24. (amended) A kit for screening for a compound, or a salt thereof, which is capable of modifying the binding of the peptide, ~~precursor~~ or salt claimed in Claim 1 to a receptor for said peptide, ~~precursor~~ or salt, or a fragment peptide, which kit comprises the peptide, ~~precursor~~ or salt claimed in Claim 1.

Please add the following new claims:

--35. An isolated peptide comprising the amino acid sequence defined under any one of SEQ ID NO:1 to SEQ ID NO:3 and SEQ ID NO:35 to SEQ ID NO:55 and having cortistatin or somatostatin activity.

36. An isolated peptide comprising the amino acid sequence defined under any one of SEQ ID NO:1 to SEQ ID NO:3, SEQ ID NO:35 to SEQ ID NO:42 and SEQ ID NO:44 to SEQ ID NO:55 and having cortistatin or somatostatin activity.

37. An isolated peptide comprising (i) the amino acid sequence defined under any one of SEQ ID NO:4 to SEQ ID NO:7, and SEQ ID NO:56 to SEQ ID NO:61 or (ii) the amino acid sequence derived from the amino acid sequence defined under any one of and SEQ ID NO:4 to SEQ ID NO:7 by deletion of the C-terminal Lys.--